

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE TOWING, LLC D/B/A CARVER MARINE TOWING as Owner and Operator of MiT Mackenzie Rose, (IMO No. 8968765) her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., *in rem*, ("M/T MACKENZIE ROSE"), petitioning for Exoneration from or Limitation of Liability in allision with Norfolk and Portsmouth Belt Line Railroad Company Main Line Railroad Bridge (the "Bridge") occurring June 15, 2024 in and about the Elizabeth River, Virginia.

Civil Action No: 2:24-cv-00490

RESPONSE TO FIRST REQUESTS for PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Fed. R. Civ. Pro. 26 and 34 and Eastern District of Virginia Local Rule 26, Petitioners Coeymans Marine Towing, LLC d/b/a Carver Marine Towing ("Carver Marine") by counsel, responds to Claimant/Respondent Norfolk and Portsmouth Line Railroad Company's (the "Belt Line") First Request for Production of Documents and Things pursuant to F.R.C.P Rule 34 and Local Civil Rule 26(C) as follows:

1. Produce any and all **documents** listing the officers or crew members assigned to the **Vessel** on or before June 15, 2024.

RESPONSE TO REQUEST NO. 1:

Subject to and without waiving written objections served February 19, 2025, see 7.3 Master's Daily Vessel Reporting (TUGS) Mackenzie Rose 06/15/2024 CARVER 000156-000161. See also: CARVER 000050; CARVER 000057.



2. Produce the personnel file of each and every officer and crew member assigned to or present aboard the **Vessel** or **Barge** on June 15, 2024, including, as to each, his or her last known address and his or her last W-2 form.

RESPONSE TO REQUEST NO. 2:

Subject to and without waiving written objections served February 19, 2025, see the following documents pertaining to crew members:

Jamal - CARVER 000067 - 000077
Miller - CARVER 000043 - 000049
McGrath - CARVER 000078 - 000083
Porter - CARVER 000084 - 000087
Morrissey - CARVER 000088 – 000095

See also witness statements: **CARVER 000229-000232.**

3. Produce each and every **document** that indicates or contains the last known address of James Morrissey.

RESPONSE TO REQUEST NO. 3:

Subject to and without waiving written objections served February 19, 2025, on January 10, 2025, Carver provided this information by email to counsel for Plaintiff.

4. Produce each and every **document** that portrays, describes, or purports to portray or describe, the course, position, and speed of the **Vessel** at any time from June 10 through June 20, 2024.

RESPONSE TO REQUEST NO. 4:

Subject to and without waiving written objections served February 19, 2025, see MACKENZIE ROSE AIS Rose Point Electronic Charting and Navigation Data – June 15th 2024 which will be produced under separate cover.

See also:

Daily Log, Mackenzie Rose 06/12/2024 CARVER 000051
Daily Log, Mackenzie Rose 06/13/2024 CARVER 000052-000053
Daily Log, Mackenzie Rose 06/14/2024 CARVER 000054-000055
Daily Log, Mackenzie Rose 06/15/2024 CARVER 000056-000057
Daily Log, Mackenzie Rose 06/16/2024 CARVER 0001058-000059

Logbook Wednesday, June 12, 2024, CARVER 000066
Logbook Thursday, June 13, 2024, CARVER 000064-000065
Logbook Friday June 14, 2024 CARVER 000060-000061
Logbook Saturday June 15, 2024 CARVER 000062
Logbook Sunday June 16, 2024 CARVER 000063

See also rough deck and engine logs included in CARVER 000233-000243.

5. Produce the towing plan, if any, in effect for the **Vessel** at the time of the **Incident**.

RESPONSE TO REQUEST NO. 5:

Subject to and without waiving written objections served February 19, 2025, *see*:

CARVER 000170 - 000172 Daily Towline 06-12-24(38570864.1)
CARVER 000173 - 175 Daily Towline 06-13-24(38570863.1)
CARVER 000176 - 178 Daily Towline 06-14-24(38570862.1)
CARVER 000179 - 181 Daily Towline 06-15-24(38570861.1)
CARVER 000182 - 184 Daily Towline 06-16-24(38570860.1).

6. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all voice recorders whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 6:

None.

7. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all chart-plotters, whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 7:

Subject to and without waiving written objections served February 19, 2025, *see* **MACKENZIE ROSE AIS Rose Point Electronic Charting and Navigation Data – June 15, 2024**, which will be produced under separate cover.

8. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all voyage data recorders, whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 8:

See Response to Request No. 7.

9. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all video recorders, whether in electronic paper, or other form.

RESPONSE TO REQUEST NO. 9:

None.

10. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all radars, whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 10:

See Response to Request No. 7

11. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all Automatic Identification Systems ("AIS"), whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 11:

Subject to and without waiving written objections served February 19, 2025, see MACKENZIE ROSE AIS Rose Point Electronic Charting and Navigation Data– June 15th, 2024, which will be produced under separate cover.

12. Produce any and all data records or transcripts from the **Vessel** on June 15, 2024, for any and all Automatic Radar Plotting Aid ("ARP A") devices, whether in electronic, paper, or other form.

RESPONSE TO REQUEST NO. 12:

None.

13. Produce each and every **document** containing any video or data depicting or reflecting the display of any radar, AIS, or ARP A aboard the **Vessel** during its transit of the Elizabeth River on the day of the **Incident**.

RESPONSE TO REQUEST NO.13

See Response to Request No. 7.

14. Produce each and every document containing any photograph, video, or audio recording of any communications or activities on the **Barge** on June 15, 2024, including any video or photograph showing the Barge making contact with, or in the vicinity of, the Belt Line's Railroad Bridge.

RESPONSE TO REQUEST NO. 14:

Subject to and without waiving written objections served February 19, 2025, *see* CARVER 000200; photographs at CARVER 000244 -000248.

15. Produce each and every document containing any photograph, video, or audio recording of any communications **or** activities on the bridge (or wheelhouse), decks, or line handling stations of **the Vessel** on June 15, 2024, including any video or photograph showing the **Vessel** making contact with, or in the vicinity of, the **Belt Line's Railroad Bridge**.

RESPONSE TO REQUEST NO. 15:

Subject to and without waiving written objections served February 19, 2025, *see* Response to Request No 7; *see also* Response to Request No. 14.

16. Produce each and every (rough, smooth, official, or unofficial): deck log, wheelhouse bell book, bearing book, gyrocompass log, engine room log, engine bell log, and depth recorder trace for the Vessel during the period of January 1, 2024, through September 15, 2024.

RESPONSE TO REQUEST NO. 16:

Subject to and without waiving written objections served February 19, 2025, *see* the following logs:

CARVER 000001-000006 - 6-12-24 - 7.3 Masters Daily Vessel Reporting
CARVER 000007-000012 - 6-13-2024 - 7.3 Masters Daily Vessel Reporting
CARVER 000013- 000018 - 6-14-2024 - 7.3 Masters Daily Vessel Reporting
CARVER 000019-000024 - 6-15-2024 - 7.3 Masters Daily Vessel Reporting
CARVER 000025-000026 - Logbook_2024-02-28
CARVER 000027-000029 - Logbook_2024-04-01
CARVER 000030-000032 - Logbook_2024-05-03
CARVER 00051 - Logbook_2024-06-12
CARVER 000052-000053 - Logbook_2024-06-13
CARVER 000054-000055 - Logbook_2024-06-14
CARVER 000056-000057 - Logbook_2024-06-15
CARVER 000058-000059 - Logbook_2024-06-16
CARVER 000060-000061 - Logbook_Friday_ June 14_ 2024
CARVER 000062 - Logbook_Friday_ June 14_ 2024
CARVER 000063 - Logbook_Sunday_ June 16_ 2024
CARVER 000064- 000065 - Logbook_Thursday_ June 13_ 2024
CARVER 0000066 - - Logbook_Wednesday_ June 12_ 2024
CARVER 000118-000119 - 10-1 DAILY ENGINE ROOM LOG- HOURS- 06-13-2024
CARVER 000120-000121 - 10-1 DAILY ENGINE ROOM LOG- HOURS- 06-14-2024
CARVER 000122-000123 - 10-1 DAILY ENGINE ROOM LOG- HOURS- 06-16-2024
CARVER 000124-000125 - 10-1 DAILY ENGINE ROOM LOG- HOURS-06-12-2024
CARVER 000126-000127 - 10-1 DAILY ENGINE ROOM LOG- HOURS-06-15-2024
CARVER 000128-000129 - 10-1 DAILY ENGINE ROOM LOG- READINGS - 06-12-2024
CARVER 000130-000131 - 10-1 DAILY ENGINE ROOM LOG- READINGS - 06-13-2024
CARVER 000132-000133 - 10-1 DAILY ENGINE ROOM LOG- READINGS- 06-14-2024
CARVER 000134-000135 - 10-1 DAILY ENGINE ROOM LOG- READINGS- 06-15-2024
CARVER 000136-000137 - 10-1 Daily Maintenance Procedures 06-12-24
CARVER 000138-000139 - 10-1 Daily Maintenance Procedures 06-13-24
CARVER 000140-000141 - 10-1 Daily Maintenance Procedures 06-14-24
CARVER 000142-000143 - 10-1 Daily Maintenance Procedures 06-15-24
CARVER 000146-000147 - 10-1 DAILY ENGINE ROOM LOG- READINGS- 06-16-2024
CARVER 000156-000157 - 7-3 MASTER'S DAILY VESSEL REPORTING - 06-15-2024
CARVER 000185 - Logbook_2024-06-12
CARVER 000186-000187- Logbook_2024-06-13
CARVER 000188-000189 - Logbook_2024-06-14
CARVER 000190-000191 – Logbook 2024-06-15

CARVER 000192-000193 - Logbook 2024-06-16
CARVER 000233-000243 - Rough Deck & Engine Logs

17. Produce any and all reports, log entries, or other records memorializing the displacement, drafts, trim, or list of the Vessel or the **Barge** for the period of June 10 through June 20, 2024.

RESPONSE TO REQUEST NO. 17:

Subject to and without waiving written objections served February 19, 2025, *see* Response to Request No. 16. *See also* rough deck and engine logs included in CARVER 000233-000243.

18. Produce any and all **documents** that describe or indicate how the **Barge** was made up to the **Vessel** at the time of the Incident.

RESPONSE TO REQUEST NO. 18:

Subject to and without waiving written objections served February 19, 2025, *see* Response to Request No. 5.

19. Produce the **Vessel's** power graphs pertaining or relating to engine speed and operation applicable on the day of the **Incident**.

RESPONSE TO REQUEST NO. 19:

Subject to and without waiving written objections served February 19, 2025, *see* Response to Request No. 16.

20. Produce the **Vessel's** radar logs for the period of June 10-20, 2024.

RESPONSE REQUEST NO. 20

Subject to and without waiving written objections served February 19, 2025, Carver marine will endeavor to locate documents responsive to Request No. 20 for the **Vessel's** radar logs for the period of June 10, 2024, through June 15, 2024, the date of the Incident.

21. Produce the **Vessel's** VHF log and any other radio logs for the period of June 10 – 20, 2024.

RESPONSE TO REQUEST NO. 21:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 21 for the period June 10, 2024, through June 15, 2024, the date of the Incident.

22. Produce the **Vessel's** telex and facsimile logs for the period of June 10-20, 2024.

RESPONSE TO REQUEST NO. 22:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 22 for the period June 10, 2024, through June 15, 2024, the date of the Incident.

23. Produce any and all records from the **Vessel's** INMARSAT and any other satellite communications system for the period 0001 hours to 2400 hours on the day of the Incident.

RESPONSE TO REQUEST NO. 23:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 23.

24. Produce any and all **documents**, including, but not limited to, contracts, invoices, and indemnity agreements, pertaining to the provision of pilotage, including federal, state, and docking or tug pilots, to the **Vessel** on June 15, 2024.

RESPONSE TO REQUEST NO. 24:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 24.

25. Produce any and all documents pertaining or relating to or referencing the relevant tides or currents during the course of the **Vessel's** transit of the Southern Branch of the Elizabeth River on June 15, 2024.

RESPONSE TO REQUEST NO. 25:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 25.

26. To the extent not produced in response to previous requests, produce any and all voyage records for the **Vessel** or **Barge** pertaining to June 15, 2024, including without limitation, all official logs, rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, and articles of shipment. This request specifically relates to information and records required to be retained on behalf of the vessel pursuant to the requirements of 46 C.F.R. § 4.05-15.

RESPONSE TO REQUEST NO. 26:

Subject to and without waiving written objections served February 19, 2025, see Responses to Request Nos. 2, 5, 7 and 16.

27. Produce any and all photos or videos relating or pertaining to the Incident, or the aftermath thereof, taken at any time by anyone, including, but not limited to, photographs and videos of damage to the **Vessel**, the **Barge**, or the **Belt Line's Railroad Bridge**.

RESPONSE TO REQUEST NO. 27:

See CARVER 000244 -000248, see also Response to Request No. 7.

28. Produce any and all photos or videos relating or pertaining to the **Belt Line's Railroad Bridge** or its fendering system taken at any time by anyone.

RESPONSE TO REQUEST NO. 28:

See CARVER 000244, see also Response to Request No. 7.

29. Produce any and all **documents** obtained from any government entity, including but not limited to the United States Coast Guard, pertaining to the **Incident**, whether pursuant to any request under the Freedom of Information Act or otherwise.

RESPONSE TO REQUEST NO. 29:

See CARVER 00001-000252 and CARVER 000706-000795.

30. Produce any and all **documents** and records memorializing or evidencing steps taken by anyone to report the **Incident** under 46 CFR 4.05-1.

RESPONSE TO REQUEST NO. 30:

Subject to and without waiving written objections served February 19, 2025, see CARVER 000111- 000117; CARVER 00001-000252 and CARVER 000706-000795.

31. Produce any and all **documents** you have provided to any government entity, including but not limited to the United States Coast Guard, pertaining to the **Incident**.

RESPONSE TO REQUEST NO. 31:

See CARVER 00001-000252 and CARVER 000706-000795.

32. Produce any and all **documents** pertaining to management and operation of the **Vessel** or **Barge**, including, but not limited to, charters, subcharters, and management and/or operating agreements pertaining to any period inclusive of June 15, 2024.

RESPONSE TO REQUEST NO. 32:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents relating to the June 15, 2024, voyage.

33. Produce any and all documents relating to surveys, appraisals, valuations, or refinancing of the M/T MACKENZIE ROSE during the period from January 1, 2019, through December 31, 2024.

RESPONSE TO REQUEST NO. 33:

Subject to and without waiving written objections served February 19, 2025, Carver Marine will endeavor to locate and produce documents responsive to Request No. 33 reflecting the most recent survey, appraisal, valuation, or refinancing taken or conducted prior to the date of the Incident.

34. Produce any and all documents and records not already produced, reflecting or memorializing communications pertaining to the Incident to or from **you**, the **Vessel's** officers or crewmembers, or any government entity, including but not limited to the United States Coast Guard, on or after June 15, 2024.

RESPONSE:

Subject to and without waiving written objections served February 19, 2025, see CARVER 00001-000252 and CARVER 000706-000795.

Dated: March 4, 2025

Respectfully submitted,

CLYDE & CO US LLP

By: /s/ Harold L. Cohen

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2025, I served the foregoing by electronic mail on the following:

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